

Title 5

BUSINESS LICENSES AND REGULATIONS

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Chapter 5.04

LOCAL LICENSES AND PERMITS GENERALLY

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5.04.010 Purpose.

Pursuant to the authority conferred upon the town by Chapter 40, Section 57 of the General Laws, the following is adopted for the regulation of application for, revocation, suspension, renewal or transfer of local licenses and permits issued by any board, officer, department or commission of the town for any person, corporation or business enterprise who has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charges, with the exceptions listed in Section 5.04.020 of this bylaw. (ATM 5-9-88 Art. 15 (part): prior code § 51-1)

5.04.020 Applicability.

This chapter shall not apply to the following licenses and permits: Open Burning, Section 13 of Chapter 48 of the General Laws; Bicycle Permits, Section 11A of Chapter 85 of the General Laws; Sales of Articles For Charitable Purposes, Section 33 of Chapter 101 of the General Laws; Children Work Permits, Section 69 of Chapter 149 of the General Laws; Clubs, Associations Dispensing Food or Beverage Licenses, Section 21E of Chapter 140 of the General Laws; Dog Licenses, Section 137 of Chapter 140 of the General Laws; Fishing, Hunting, Trapping Licenses, Section 12 of Chapter 131 of the General Laws; Marriage Licenses, Section 28 of Chapter 207 of the General Laws and Theatrical Events, Public Exhibition Permits, Section 181 of Chapter 140 of the General Laws. (ATM 5-9-88 Art. 15 (part): prior code § 51-6)

5.04.030 List of persons delinquent in payment of municipal charges.

The tax collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges (hereinafter referred to as the tax collector) shall annually furnish to each department, board, commission or officer (hereinafter referred to as the licensing authority) that issues licenses or permits including renewals and transfers, a list of

any person, corporation or business enterprise (hereinafter referred to as the party), that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a twelve (12) month period, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the Appellate Tax Board. (ATM 5-9-88 Art. 15 (part): prior code § 51-2)

5.04.040 Denial, revocation or suspension of license or permit for nonpayment of municipal charges.

The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers of any party whose name appears on such list furnished to the licensing authority from the tax collector; provided, however, that written notice is given to the party and the tax collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than fourteen (14) days after such notice. Such list shall be prima facie evidence for denial, revocation or suspension of such license or permit to any party. The tax collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this bylaw shall not be reissued or renewed until the licensing authority receives a certificate issued by the tax collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the municipality as of the date of issuance of such certificate. (ATM 5-9-88 Art. 15 (part): prior code § 51-3)

5.04.050 Payment agreement—Conditional permit or license issuance.

Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating such limitations to the license or permit and the validity of such license shall be conditioned upon the satisfactory compliance with such agreement. Failure to comply with such agreement shall be grounds for the suspension or revocation of such license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law. (ATM 5-9-88 Art. 15 (part): prior code § 51-4)

5.04.060 Waiver of denial, suspension or revocation when.

The board of selectmen may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his/her immediate family, as defined in Section 1 of Chapter 268 of the General Laws in the business or activity conducted in or on such property. (ATM 5-9-88 Art. 15 (part): prior code § 51-5)

Chapter 5.08

ALCOHOLIC BEVERAGES

Sections:

5.08.010 License limitation—Distance requirements.

5.08.010 License limitation—Distance requirements.

No license in any form other than a renewal shall be granted by the selectmen or licensing board for the sale of alcoholic beverages at any location within the town within five hundred (500) feet of any church or school premises, except that the transfer of an existing license located within the five hundred (500) foot limit may be granted within the five hundred (500) foot limit, provided that the distance between the location or premises of which the transfer is to be made and the nearest church or school premises is not less than the distance between the existing location and the nearest church or school premises. (Prior code § 50-1)

Chapter 5.12
AMUSEMENT GAMES

Sections:

- 5.12.010 Definitions.**
- 5.12.020 License required—Application.**
- 5.12.030 Operation of amusement games.**
- 5.12.040 Inspection of premises.**
- 5.12.050 Violation—Penalty.**

5.12.010 Definitions.

As used in this chapter the following terms shall have the meanings indicated:

“Amusement game” means any mechanical, electric or electronic device used or designed to be operated for entertainment or as a game by the insertion of a piece of money, coin, token or other article or by paying money to have it activated. This definition does not include:

1. Jukebox;
2. Rides;
3. Bowling alleys;
4. Any device maintained within a residence for the use of the occupants thereof and their guests;
5. Any device the possession or use of which is prohibited by law.

“Game room” means a building or place containing five or more amusement games.

“Owner” means a record owner, contract purchaser, lessee, assignee, bailee, receiver or trustee.

“Person” means one or more individuals, a corporation, partnership, association trust or firm and any trustee, receiver or assignee.

“Town” means the town of Braintree. (Prior code § 56-1)

5.12.020 License required—Application.

- A. No person shall maintain or operate a game room in the town;

B. License fee per machine is one hundred dollars (\$100.00) per year;

C. Any application for a license will be acted upon after a hearing before the board of selectmen. The board will establish a time and location for such hearing and will notify the applicant of same;

D. The board will consider the granting of a license based on the merits of each application;

E. A plan should be presented to be filed with the application, designating the street and number, entrance and exits, the type of establishment and the exact location and number of the machine to be licensed. (ATM 5-5-2003 Art. 24 (part); prior code § 56-2)

5.12.030 Operation of amusement games.

A. The owner of any amusement game within the town shall comply with all provision of law, bylaw, rule or regulations applicable thereto and relating to the conduct of the business in connection with which the game is used and the use and maintenance of the premises where it is located.

B. The owner of the game shall maintain good order on the premises at all times. The lack of good order on the premises shall include but not be limited to the following:

1. Fighting and rowdy behavior;

2. Possession or consumption of alcoholic beverages, except upon premises licensed for on-premises consumption thereof;

3. Gambling;

4. Permitting the use of marijuana or any controlled substance possession of which is prohibited by Massachusetts Law.

C. The owner of an amusement game shall not permit it to be played or operated after ten p.m. by a person under the age of sixteen (16) unless accompanied by and under the supervision of a parent or other guardian over the age of twenty-one (21).

D. The owner of an amusement game shall not allow it to be available for use or used unless it is under the control of and supervision by a person at least eighteen (18) years of age, who shall ensure that it is operated in compliance with this chapter.

E. School children are not permitted to operate amusement games during normal school hours (as established by the school committee or appropriate authority) on weekdays only exclusive of holidays.

F. No cash awards shall be offered or given in any contest, tournament, league or individual play on any amusement game, and no such game shall be permitted to operate if such game

delivers or may readily be converted to deliver to the player any piece of money, coin, slug or token.

G. No credit, allowance, check, slug, token or anything of value shall be offered or given to any player of any amusement game as a result of plays made thereon. (Prior code § 56-3)

5.12.040 Inspection of premises.

Any premises in the town containing an amusement game or games, when open for the transaction of business, shall be subject to inspection by any peace officer, acting pursuant to his special duties, or police officer. (Prior code § 56-4)

5.12.050 Violation—Penalty.

A. Any person who violates any provision of this chapter shall be guilty of an offense punishable by a fine not exceeding fifty dollars (\$50.00);

B. Each day that a violation exists, occurs or continues shall constitute a separate offense. (Prior code § 56-5)

Chapter 5.14

FEES

Sections:

- 5.14.010 Common victualer license.**
- 5.14.020 Lodging house license.**
- 5.14.030 Pool table license.**

5.14.010 Common victualer license.

The annual fee for Common Victualer Licenses shall be \$50.00. (STM 5-5-2003 Art. 18 (part))

5.14.020 Lodging house license.

The annual fee for Lodging House Licenses shall be \$50.00. (STM 5-5-2003 Art. 18 (part))

5.14.030 Pool table license.

The annual fee for Pool Table Licenses shall be \$50.00. (STM 5-5-2003 Art. 18 (part))

Chapter 5.16

FOOD SALES

Sections:

- 5.16.010 Food defined.**
- 5.16.020 Applicability.**
- 5.16.030 Permit required for sale of food at retail by persons.**
- 5.16.040 Permit required for sale of food at retail by stores.**
- 5.16.050 Persons licensed as common victuallers.**
- 5.16.060 Stores or places of business licensed as common victuallers.**
- 5.16.070 Violations deemed separate offenses when.**

5.16.010 Food defined.

As used in this bylaw, the following terms shall have the meanings indicated:

“Food” means and includes any articles or commodity however stored or packaged intended for human consumption, excluding alcoholic beverages. (Prior code § 72-5)

5.16.020 Applicability.

This bylaw shall not apply to the sale of alcoholic beverages by persons, stores or places of business licensed in accordance with the provisions of Chapter 138 of the General Laws. (Prior code § 72-8)

5.16.030 Permit required for sale of food at retail by persons.

No person shall, without a written permit from the board of selectmen, sell any food at retail between the hours of eleven p.m. and seven a.m. unless such a sale of food is by a common victualler licensed in accordance with the provisions of Chapter 140 of the General Laws. (Prior code § 72-1)

5.16.040 Permit required for sale of food at retail by stores.

No store or place of business engaged in the retail sale of food shall, without a written permit from the board of selectmen, be open for the transaction of any retail business between the hours of one a.m. and seven a.m. unless such store or place of business has been licensed as a common

victualler in accordance with the provisions of Chapter 140 of the General Laws. (Prior code § 72-2)

5.16.050 Persons licensed as common victuallers.

No person licensed as a common victualler in accordance with the provisions of Chapter 140 of the General Laws shall, without a written permit from the board of selectmen, sell any food at retail between the hours of one a.m. and six a.m. (Prior code § 72-3)

5.16.060 Stores or places of business licensed as common victuallers.

No store or place of business licensed as a common victualler in accordance with the provisions of Chapter 140 of the General Laws which is engaged in the retail sale of food shall, without a written permit from the board of selectmen, be open for the transaction of any retail business between the hours of one a.m. and six a.m. (Prior code § 72-4)

5.16.070 Violations deemed separate offenses when.

For purposes of this bylaw, each separate sale shall be deemed a separate offense. In the event of sale of several items or articles at one time to one customer, only one sale shall be deemed to have taken place. In case of continuing violation, every calendar day upon which a store shall remain open shall be deemed a separate offense. (Prior code § 72-6)

Chapter 5.20

FORTUNETELLERS, PALMISTS AND SIMILAR PRACTITIONERS

Sections:

- 5.20.010 License required.**
- 5.20.020 License—Issuance limitations—Display.**
- 5.20.030 License—Fee—Effective date—Transfer or renewal.**
- 5.20.040 Application—Form and contents.**
- 5.20.050 Expense of hearing—Deposit required.**
- 5.20.060 Notice requirements—Public hearing.**
- 5.20.070 Sanitary facilities required.**
- 5.20.080 Inspection.**
- 5.20.090 License suspension, modification or revocation.**

5.20.010 License required.

No phrenologist, medium, clairvoyant, soothsayer, astrologist, fortuneteller, palmist, reader-advisor or the like, by whatsoever name called, shall conduct business or practice their trade for monetary consideration in the town without first obtaining a license from the board of selectmen (the licensing authority) and only after a criminal history check conducted by the chief of police of Braintree or his designee, the issuance of a certificate from the code compliance office that the property to be used for such purpose conforms with all zoning bylaws of the town, and only after a determination by the licensing authority that issuance of such license would not be adverse to the public welfare, and after a public hearing. (STM 5-1-89 Art. 13 (part); prior code § 57-1)

5.20.020 License—Issuance limitations—Display.

A license to conduct a business described in Section 5.20.010 of this chapter shall be issued only to individuals and shall apply only to the premises shown on a plan furnished by the applicant. The plan need not be by a registered engineer but must be in a form and scale acceptable to the Braintree town engineer. The license, when issued, shall set thereon the name of the licensed individual and the approved location. The licensee shall be the operator of the licensed business. No person who is not duly licensed may conduct any business set forth in Section 5.20.010 of this chapter nor shall any license issued for one premise be issued upon another. The license shall be displayed at all times in a prominent place upon the licensed premises. (STM 5-1-89 Art. 13 (part); prior code § 57-2)

5.20.030 License—Fee—Effective date—Transfer or renewal.

A. The fee for the license shall be set by the board of selectmen. No license shall be issued until such fee and any other costs have been paid to the licensing authority.

B. Any license issued under the provisions of this bylaw shall be effective from the date of its issuance. A new application for a license must be made yearly if the licensee continues in business. The fee for such license for less than one year shall be prorated. Such license is personal with the licensee and does not go with the title of the land, nor may it be sold, assigned, transferred or disposed of without the permission of the licensing authority. Applications for renewal shall be made within sixty (60) days from the date of expiration of the license and such renewal shall not be unreasonably withheld, unless for a good cause shown. (STM 5-1-89 Art. 13 (part); prior code § 57-3)

5.20.040 Application—Form and contents.

An application for a license pursuant to Section 5.20.010 of this chapter shall be made by the applicant in writing, on forms approved by the licensing authority. The application shall be submitted under oath and shall set forth the name and address of the person who will conduct such business and the names and addresses of all persons having a beneficial interest in the business. It shall set forth an accurate description of the premises for which the license is sought, as described in Section 5.20.020 of this chapter. It shall contain such other detailed information as to the character and location of the business as may be required by the licensing authority to determine whether the issuance of the license sought would serve the public interest. Every applicant for a license pursuant to this bylaw shall submit to the licensing authority a valid Social Security Number or Massachusetts Driver's License or Employer Identification Number as proof of the identity of the applicant. (STM 5-1-89 Art. 13 (part); prior code § 57-4)

5.20.050 Expense of hearing—Deposit required.

In each application, except in the case of an application for renewal of a license, the applicant shall undertake to defray the expense to the town of the public hearing on his/her application in addition and simultaneously with the filing of his/her application, the applicant shall deposit with the town forty dollars (\$40.00) to defray expense for the public hearing, including advertisement costs. If that sum should be exhausted, he/she shall deposit such additional sums as the town may require. Upon final action on the application, the town shall refund to the applicant the sum or sums so deposited less the expenses incurred or paid by it in connection with the application and the hearing thereon. (STM 5-1-89 Art. 13 (part); prior code § 57-5)

5.20.060 Notice requirements—Public hearing.

A. Upon the filing of the application with the licensing authority and the making of the deposit for costs, written notice shall be given to the applicant, and public notice shall be given by advertisement in a newspaper circulating in the town at least seven days prior to the hearing, of the time and place fixed for the hearing to be held before the licensing authority on the issuance

of the license. In the case of an application for renewal of a license, the licensing authority may dispense with the requirement for public notice. The applicant and all interested persons shall have reasonable opportunity to be heard at such hearing.

B. In the licensing procedure under this chapter, the licensing authority shall take into consideration any record of a conviction of any crimes. (STM 5-1-89 Art. 13 (part): prior code § 57-6)

5.20.070 Sanitary facilities required.

Each licensee under this chapter shall provide sanitary facilities for the use of all customers upon the licensed premises in accordance with regulations of the board of health of the town. (STM 5-1-89 Art. 13 (part): prior code § 57-7)

5.20.080 Inspection.

Any premises in the town licensed under this by-law, when open for the transaction of business, shall be subject to inspection by any police or special police officer, acting pursuant to his/her duties. (STM 5-1-89 Art. 13 (part): prior code § 57-8)

5.20.090 License suspension, modification or revocation.

Upon notice to the licensee and after a hearing by the licensing authority at which it has been determined that the licensee has been convicted in a court of competent jurisdiction of a crime or cause has been shown that the licensee has violated the bylaws and/or zoning bylaws of the town or the laws of the commonwealth, a license issued pursuant to this bylaw may be suspended, modified or revoked after a hearing by the licensing authority. (STM 5-1-89 Art. 13 (part): prior code § 57-9)

Chapter 5.24

GASOLINE STATIONS

Sections:

- 5.24.010 Hours of operation.**
- 5.24.020 Storage of motor vehicles.**
- 5.24.030 Rules and regulations.**
- 5.24.040 Conflict with state law.**
- 5.24.050 Requirements for Storage Permits.**

5.24.010 Hours of operation.

No gasoline station or garage shall be operated between the hours of twelve midnight and six a.m. without a written permit from the board of selectmen. (Prior code § 77-1)

5.24.020 Storage of motor vehicles.

No gasoline station or commercial garage shall store more than four registered or unregistered automobiles or motor vehicles on the same lot without a written permit from the board of selectmen. (ATM 5-11-1992 Art. 19; prior code § 77-2)

5.24.030 Rules and regulations.

The board of selectmen may from time to time make reasonable rules and regulations governing the operation of gasoline stations, garages and motor vehicle towing services. (Prior code § 77-3)

5.24.040 Conflict with state law.

Nothing in the foregoing sections shall conflict with any provisions of the General Laws. (Prior code § 77-4)

5.24.050 Requirements for Storage Permits.

Each application for the storage of motor vehicles shall be accompanied by a plot plan, certified by a registered professional engineer, detailing the location of the business and indicating the location and number of parking spaces for customers, employees, and the storage of motor vehicles, as well as showing the location of fire lanes, and access to and egress from the site. Each certified plot plan shall be subject to the review of various town departments, as determined

by the board of selectmen, including but not limited to, the fire chief, police chief, building inspector, and code compliance officer, prior to submission to the board of selectmen. The board of selectmen shall make the discretionary determination as to the number of vehicles for which storage may be considered, based upon the uses of the surrounding area, traffic, aesthetics, and what is in the best interest of the town with the storage capacity for each site being not greater than the lesser of the number shown on the certified plot plan, the number permitted by the requirements of the applicable fire, zoning and building codes and the recommendations of the appropriate town departments. (ATM 5-22-2001 Art. 26)

Chapter 5.28

JUNK, SECONDHAND AND SALVAGE DEALERS

Sections:

- 5.28.010 Purpose.**
- 5.28.020 Definitions.**
- 5.28.030 License required.**
- 5.28.040 License—Annual fee.**
- 5.28.050 Scope of license.**
- 5.28.060 Application—Form and contents.**
- 5.28.070 Expense of hearing—Deposit required.**
- 5.28.080 Notice of hearing—Conditions warranting denial of license.**
- 5.28.090 License—Fee—Effective date—Transfer or renewal.**
- 5.28.100 Display of license.**
- 5.28.110 General operating requirements.**
- 5.28.120 Sanitary facilities required.**
- 5.28.130 Health hazards prohibited.**
- 5.28.140 Established junk or salvage yards.**
- 5.28.150 Records.**
- 5.28.160 Violation—Penalty.**

5.28.010 Purpose.

Pursuant to the authority conferred upon the town by Chapter 140, Section 54 of the Massachusetts General Laws, the following is adopted for the regulation and restriction of the collection and storage of previously damaged, used, secondhand, worn out, scrapped or discarded materials or objects such as, inter alia, automobiles, building materials, machinery, metal, wastepaper, rags, glassware and tinware which are or in the future may be collected and stored in a dangerous, unsightly or unsanitary manner in yards or other places within the town. (Prior code § 85-1)

5.28.020 Definitions.

Except where otherwise indicated by law, the following definitions shall apply in the interpretation and enforcement of this bylaw.

“Enforcement officer” means the inspector of buildings or such other person designated by the board of selectmen.

“Junk” means any old, secondhand, previously used, discarded or scrapped metals, bottles, glassware, tinware, paper bags, rubber goods, plumbing, heating and electrical equipment, fixtures and appliances, building materials, whole motor vehicles which are unregistered or, if registered, no longer fit for reconditioning for use in highway transportation, or motor or other vehicles which are wholly or partly dismantled or used parts or scraps therefrom or any other old, secondhand, used, discarded scrapped material commonly called junk salvage material,

“Junk dealer” means a person who engages in the buying, selling, exchanging, storing, processing, preparing for sale or use, or dealing in any manner commercially with junk within the town.

“Junk or salvage yard” means a yard, lot or place or any place of collection, storage or deposit outdoors, within the town of Braintree, where junk is kept or stored. An area maintained and operated by the town of Braintree for the collection and storage of recyclable materials shall be excluded from this bylaw.

“Licensing authority” means the board of selectmen of the town of Braintree.

“Person” means any individual, firm, partnership, association, corporation, company, organization or any business entity permitted to do business within the commonwealth of Massachusetts. (Prior code § 85-2)

5.28.030 License required.

No person shall engage in business as a dealer in junk or salvage unless he obtains a license from the licensing authority in accordance with the provisions of this chapter. (Prior code § 85-3)

5.28.040 License—Annual fee.

The annual fee for a license to conduct the business of a dealer in junk or salvage shall be one thousand dollars (\$1,000.00) per year. No license pursuant to the provisions of this chapter shall be issued, and no renewal of an existing license shall be granted, until the full amount of the fee has been paid to the licensing authority. (Prior code § 85-4)

5.28.050 Scope of license.

Each license issued pursuant to the provisions of this chapter shall apply only to the premises shown on the survey furnished by the licensee with the application for the license. The licensee may not use any other premises. (Prior code § 85-5)

5.28.060 Application—Form and contents.

An application for a dealer in junk or salvage license shall be made by the applicant in writing, on forms approved by the licensing authority. The application shall be submitted under oath and shall set forth the name and address of the person who will conduct such business and the names and addresses of all persons having a beneficial interest in the business. It shall set forth an accurate description of the premises for which the license is sought, as shown by a survey to be attached. It shall contain such other detailed information as to the character and location of the business as may be required by the licensing authority to determine whether the issuance of the license sought would serve the public interest. (Prior code § 85-6)

5.28.070 Expense of hearing—Deposit required.

In each application, except in the case of an application for renewal of a license, the applicant shall undertake to defray the expense to the town of the public hearing on his application. In addition and simultaneously with the filing of his application, the applicant shall deposit with the town forty dollars (\$40.00) to defray expense for the public hearing, including advertisement costs. If that sum should be exhausted, he shall deposit such additional sums as the town may require. Upon final action on any application, the town shall refund to the applicant the sum or sums so deposited less the expenses incurred or paid by it in connection with the application and the hearing thereon. (Prior code § 85-7)

5.28.080 Notice of hearing—Conditions warranting denial of license.

A. Upon the filing of the application with the licensing authority and the making of the deposit for costs, written notice shall be given to the applicant, and public notice shall be given by advertisement in a newspaper circulating in the town at least seven days prior to the hearing, of the time and place fixed for the hearing to be held before the licensing authority on the issuance of the license. In the case of an application for renewal of a license, the licensing authority may dispense with the requirement for public notice. The applicant and all interested persons shall have reasonable opportunity to be heard at such hearing.

B. No license shall be granted under this chapter until the enforcement officer certifies that the proposed junk or salvage yard meets the requirements of this chapter, the town zoning bylaws and the laws of the commonwealth of Massachusetts and unless it appears after the public hearing that the issuance of such license would not cause unreasonable depreciation of surrounding property or be otherwise adverse to the best interests of the town.

C. In the licensing procedure under this chapter the licensing authority shall take into consideration any record of a conviction of the crime of receiving stolen goods or larceny of any applicant or of any stockholder, director or officer of any corporation applying for such license. (Prior code § 85-8(A), (B), (C))

5.28.090 License—Fee—Effective date—Transfer or renewal.

Any license issued under the provisions of this bylaw shall be effective from the date of its issuance. A new application for a license must be made yearly if the licensee continues in business. The fee for such license for the operation of a junk or salvage yard for less than one year shall be prorated. Such license is personal with the licensee and does not go with the title of the land, nor may it be sold, assigned, transferred or disposed of without the permission of the licensing authority. Applications for renewal may be made within sixty (60) days from the date of expiration of the license and such renewal shall not be unreasonably withheld, unless for a good cause shown. (Prior code § 85-8(D))

5.28.100 Display of license.

Such license shall be placed and at all times displayed in a conspicuous place at the licensee's place of activity or business. (Prior code § 85-8(E))

5.28.110 General operating requirements.

A. Before use, a junk or salvage yard shall comply with all provisions of the town zoning bylaw and with a suitable gate which shall be closed and locked, except during the working hours of such junk or salvage yard or when the applicant or his agent shall be within.

B. The junk or salvage yard together with things kept therein shall at all times be maintained in a sanitary condition.

C. No space not covered by the license shall be used in the licensed business.

D. No water shall be allowed to stand in any place on the premises in such manner as to afford a breeding place for mosquitoes.

E. Weeds and vegetation on the premises, other than trees, shall be kept at a height of not more than four inches.

F. No garbage or other waste liable to give off a foul odor or attract vermin shall be kept on the premises, nor shall any refuse of any kind be kept on the premises, unless such refuse is junk, as defined herein, and is in use in the licensed business.

G. No junk shall be allowed to rest upon or protrude over any public street, walkway or curb or become scattered or blown off the business premises.

H. Junk shall be stored in piles not exceeding eight feet in height and shall be arranged so as to permit easy access to all such junk for fire-fighting purposes.

I. No combustible material of any kind not necessary or beneficial to the licensed business shall be kept on the premises, nor shall the premises be allowed to become a fire hazard.

J. Gasoline and oil shall be removed from any scrapped engines or vehicles on the premises.

K. No junk or other material shall be burned on the premises in any incinerator not meeting the requirement of federal, state or town laws, statutes and codes, and no junk or other material shall be burned on the premises in the open.

L. Processing of junk or any other operations conducted within a junk or salvage yard shall cease between the hours of six p.m. and seven a.m. of the following day.

M. No junk or salvage yard shall be allowed to become a nuisance, nor shall any junk or salvage yard be operated in such manner as to become injurious to the health, safety or welfare of the community or of any residents close by. (Prior code § 85-9)

5.28.120 Sanitary facilities required.

Each licensee under this chapter shall install enclosed sanitary facilities upon the junk or salvage yard for the use of all personnel upon the premises in connection with the business in accordance with regulations of the board of health of the town. (Prior code § 85-10)

5.28.130 Health hazards prohibited.

The junk or salvage yard shall be maintained and kept in such a manner as will prevent the habitation and breeding of rodents or vermin in the ground under junk piles or in or about such piles and as will prevent the accumulation of stagnant water on the ground in or about such piles of junk. The licensee shall comply with all orders issued by the board of health which are designed to eliminate the breeding of rodents or vermin. (Prior code § 85-11)

5.28.140 Established junk or salvage yards.

For the purpose of this bylaw, the location of junk or salvage yards already established shall be considered approved, provided that such junk or salvage yards comply with this bylaw, the provisions of the town zoning bylaws and the laws of the commonwealth of Massachusetts and that they pay the license fee fixed in this bylaw. Such established junk or salvage yards shall have one hundred twenty (120) days from the date of mailing of notice to them to comply with such provisions of this bylaw. (Prior code § 85-12)

5.28.150 Records.

Each licensee shall keep a record of all vehicles, appliances or junk purchased in the course of business, setting forth the identity of the items purchased, the dates of such purchases, the names and addresses of the sellers and the amounts paid therefor. Such records shall be available for inspection to all law enforcement officers or other persons having lawful authority to make inquiry as to the source from which the junk material was acquired, the nature of the transaction and the title of the seller. (Prior code § 85-13)

5.28.160 Violation—Penalty.

Any person who violates any provision of this chapter shall upon conviction thereof be punished by a fine not exceeding fifty dollars (\$50.00) a day. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Prior code § 85-14)

Chapter 5.32

PEDDLING AND SOLICITING

Sections:

- 5.32.010 Peddling of goods, wares and merchandise—License required—Fee.**
- 5.32.020 (Reserved)**
- 5.32.030 Transient vendors—Local license required—Fee.**
- 5.32.040 Hawkers and peddlers—Permit required.**
- 5.32.050 Granting permits to minors.**
- 5.32.060 Temporary licenses for charitable organizations and veterans.**
- 5.32.070 Solicitation and canvassing.**

5.32.010 Peddling of goods, wares and merchandise—License required—Fee.

No person shall hawk or peddle goods, wares or merchandise within the limits of the Town, except as otherwise authorized by law, without first obtaining a license therefor from the Selectmen, such license to be subject to reasonable rules and regulations and to a license fee as established by the Selectmen in accordance with the provisions of Section 17 of Chapter 101 of the General Laws. (ATM 5-10-2005 Art. 37 (part); prior code § 99-1)

5.32.020 (Reserved)¹

5.32.030 Transient vendors—Local license required—Fee.

A person licensed by the commonwealth of Massachusetts as a transient vendor under the provisions of Chapter 101, Section 3, of the General Laws shall, before making any sales of goods, wares or merchandise within the limits of the town, make application to the selectmen for a local license; such local license shall be subject to such reasonable rules and regulations as may from time to time be made by the selectmen and to the payment of a license fee in accordance with the provisions of Chapter 101, Section 5, of the General Laws. (Prior code § 99-3)

5.32.040 Hawkers and peddlers—Permit required.

A person licensed by the commonwealth of Massachusetts as a hawker or peddler under the provisions of Chapter 101, Section 22, of the General Laws shall, before making any sale of goods, wares or merchandise within the limits of the town, apply for a permit from the selectmen;

¹ Editor's Note: Former § 5.32.020, Peddling ice, plants or flowers—License required, derived from prior code § 99-2, was repealed ATM 5-10-2005 Art. 37. For current provisions, see § 5.32.010.

such permit shall be subject to such reasonable rules and regulations as may from time to time be made by the selectmen. (Prior code § 99-4)

5.32.050 Granting permits to minors.

The selectmen may from time to time, in accordance with Chapter 101, Section 19, of the General Laws, make reasonable rules and regulations governing the granting of permits to minors engaged within the limits of the town in the trade of bootblacking and may regulate, control or prohibit the sale or barter by minors of any goods, wares or merchandise, the sale of which is otherwise permitted without a license by Section 17 of such Chapter 101. (Prior code § 99-5)

5.32.060 Temporary licenses for charitable organizations and veterans.

The selectmen may from time to time make reasonable rules and regulations governing the granting of temporary licenses to any organization engaged exclusively in charitable work, or to a post of any incorporated organization of veterans who served in the military or naval service of the United States in time of war or insurrection for the sale of flags, badges, medals, buttons, flowers, souvenirs and similar small articles, in accordance with the provisions of Chapter 101, Section 33 of the General Laws. (Prior code § 99-6)

5.32.070 Solicitation and canvassing.

A. Purpose. The purpose of this bylaw is to protect the citizens of Braintree from crime, undue annoyance and fraudulent door-to-door solicitors and canvassers by requiring those who wish to engage in such activity to register with the Braintree police department.

B. Definitions.

1. "Solicitation or canvassing" means traveling by foot, motor vehicle or any type of conveyance, from place to place, from house to house, or from street to street, whether for salary, commission or other remuneration, whether on behalf of oneself or another person, business, firm, corporation, organization or other entity, and (a) selling, leasing or taking orders for the sale of any goods, wares, merchandise or services whatsoever, including, but not limited to, books, periodicals, food, and home improvement services, or attempting to so sell, lease or take orders, whether or not advance payment on such sales is collected; or (b) seeking or requesting donations of money, goods or services for any for-profit entity or nonprofit entity.

2. "Residential property" includes without limitation each individual dwelling unit.

C. Prohibition and Requirements.

1. No person shall engage in solicitation or canvassing in or upon any private residential property in the town of Braintree, and no business, firm, corporation, organization or other entity shall arrange for any person to engage in solicitation or canvassing in or upon any residential property, without first registering with the chief of police not less than seven days before

commencing such solicitation or canvassing and obtaining from the chief of police a certificate evidencing such registration.

2. Persons engaged in solicitation or canvassing shall display on their person such certificate of registration while so engaged and shall produce such certificate upon request.

3. Immediately upon encountering an occupant of any residential property, a person engaged in solicitation or canvassing shall present such certificate of registration for inspection and inform the occupant of the nature and purpose of his business, and if he is representing an organization, firm, or other entity.

4. Each person engaged in solicitation or canvassing in or upon any residential premises shall immediately leave such premises upon the request of the occupant.

5. No person shall engage in solicitation or canvassing in or upon any residential property upon which is displayed a sign prohibiting trespassing, solicitation or canvassing.

6. No person engaging in solicitation or canvassing shall misrepresent in any way his true objective, status or mission or that of any organization on behalf of which he is so engaged.

7. Persons engaging in solicitation or canvassing shall comply with all federal, state and local laws and regulations, including but not limited to consumer protection laws such as MGL Chapters 93, 93A and 255D.

D. Registration.

1. Application. Persons seeking registration certificates in accordance with this bylaw shall apply therefore not less than seven days before commencing solicitation or canvassing in the town of Braintree. Such application shall be signed under the penalties of perjury and shall contain the following information on a form provided by the chief of police:

- a. Applicant's name, home address and telephone number;
- b. Name of applicant's business, firm, corporation, organization, or other entity represented, business address and telephone number;
- c. Applicant's date of birth;
- d. Applicant's Social Security Number;
- e. Applicants must produce a copy of their driver's license or a photograph will be taken by the Braintree police department at the time of registering;
- f. Length of time for which applicant seeks to conduct business in the town of Braintree;
- g. Description of the nature of the business and the goods or services to be sold or purpose(s) for which donations are to be requested;

h. If applicant is operating or being transported by a motor vehicle, the year, make, model, color, registration number, state of registration, owner's name and address of each such vehicle;

i. Whether the applicant has been convicted of any of the following offenses within the past seven years in any state or federal court of the United States: burglary, breaking and entering, larceny, robbery, receiving stolen property, assault fraud, sexual misconduct, unlawfully carrying weapons, or the attempt of any such offense;

j. Applicant must also consent to a criminal history check to be conducted by the chief of police or his designee.

2. Contents of Certificate. Each certificate of registration shall contain the signature of the chief of police or his designee and shall show the name, address and photograph of the holder of the certificate, date of issue and registration number.

3. Expiration of Certificate. Each certificate of registration issued pursuant to this bylaw shall expire ninety (90) days from the date of issue. Certificates must be returned to the Braintree police department when the applicant has concluded his or her solicitation activities in the town of Braintree.

4. Transfer of Certificate. No certificate of registration may be transferred to any other person or entity.

5. Revocation of Certificate. The chief of police may revoke the certificate of registration of any solicitor or canvasser for violation of any provision of this bylaw or for providing false information on the application.

6. Duties of Police Department. The police department shall keep a record of all certificates of registration, including registration numbers, and applications therefor for a period of six years after application. Enforcement authority of this bylaw shall be by criminal complaint filed by the police department.

E. Exception. The provisions of this bylaw shall not apply to the following persons:

1. Any person duly licensed under MGL c. 101, or to any person exempted under MGL c. 101, MGL c. 149, Section 69; MGL c. 180, Section 4, or any other General Law.

2. Any officer or employee of the town, county, state or federal government on official business; or

3. Route salespersons or others having established customers making periodic deliveries to such customers or making calls upon prospective customers to solicit orders for periodic route deliveries, including but not limited to news carriers.

4. Individuals seeking to engage in exclusively Non-Commercial Communication.

F. Severability. If any section, subsection, sentence, clause, phrase or portion of this bylaw shall be declared invalid or held unconstitutional by any court of last resort, the remainder shall continue in full force and effect.

G. Penalty. Whoever violates any provision of this bylaw shall be liable to a penalty of not less than one hundred dollars (\$100.00) for each offense, or take any other action relative thereto. (STM 10-8-2002 Art. 18; STM 5-6-1996 Art. 15; prior code § 99-7)

Chapter 5.36

PRECIOUS METAL DEALERS

Sections:

- 5.36.010 Precious metals defined.**
- 5.36.020 License required.**
- 5.36.030 License fee.**
- 5.36.040 Transacting with minors prohibited.**
- 5.36.050 Waiting period.**
- 5.36.060 Weekly list of articles purchased required.**
- 5.36.070 Recordkeeping requirements—Inspection.**
- 5.36.080 Posting of name and occupation.**
- 5.36.090 Violation—Penalty.**

5.36.010 Precious metals defined.

For the purpose of this bylaw, the term “precious metals” means and includes any precious metal, such as gold, silver or platinum without regard to the form or amount of such precious metal. (Prior code § 83-2)

5.36.020 License required.

A. No person shall collect, deal in or keep a shop for the purchase, sale or barter of precious metals in any building or place within the limits of the town without a license from the board of selectmen.

B. The board of selectmen may, for a fee, license suitable persons to be dealers in and keepers of shops for the purchase, sale or barter of precious metals at such places within the town, as may be designated in such license, under such conditions and restrictions as are prescribed in this chapter, which shall be incorporated in every such license. (Prior code §§ 83-1, 83-3)

5.36.030 License fee.

The license fee as described in Section 5.36.020B shall be fifty dollars (\$50.00). (ATM 5-5-2003 Art. 24 (part); prior code § 83-11)

5.36.040 Transacting with minors prohibited.

No keeper of a shop, as described in Section 5.36.020 of this chapter shall directly or indirectly, either purchase or receive by way of barter or exchange any of the articles of a minor, knowing or having reason to believe him/her to be such. (Prior code § 83-4)

5.36.050 Waiting period.

No article purchased or received shall be sold or altered in appearance, form or substance until a period of at least thirty (30) days from the date of its purchase or receipt has elapsed. (Prior code § 83-5)

5.36.060 Weekly list of articles purchased required.

Every such licensee shall make out and deliver to the police chief (or his designee), Friday of each week, a legible and correct list, containing an accurate description of all articles purchased during the preceding business week, the prices paid therefor, the time when such articles were purchased, and the respective numbers of such articles. (Prior code § 83-6)

5.36.070 Recordkeeping requirements—Inspection.

A. Every keeper of a shop, licensed as provided in this chapter, shall keep a book in which shall be written, in English, at the time of every purchase, a description of precious metals so purchased, the name, age and residence of the person from whom purchased, and the day and hour when such purchase was made.

B. Every such shopkeeper shall, at the time of making any purchase, attach a number to each article bought and shall make entry of such number in the book. Such book shall, at all times, be open for the inspection of the police chief or any member of the police department. (Prior code §§ 83-7, 83-8)

5.36.080 Posting of name and occupation.

Every keeper of a shop, as described in Section 5.36.020 of this chapter, shall put, in some suitable and conspicuous place in his shop, a sign having his name and occupation legibly described thereon in large letters. Such shop and all articles purchased therein, may at all times, be examined by the police chief or any member of the police department. (Prior code § 83-9)

5.36.090 Violation—Penalty.

Whoever not being licensed as required under Section 5.36.020 of this chapter, collects, deals in or barter precious metals in any place or manner other than that designated in his license, or after notice to him that his license has been revoked, or whoever violates any rule, regulation or

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restriction contained in his license, shall be subject to a fine of not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00), and each day of such violation shall constitute a separate offense. (Prior code § 83-10)

Chapter 5.38

PRINTED MATTER VENDING MACHINES

Sections:

- 5.38.010 Definitions.**
- 5.38.020 Permit required.**
- 5.38.021 Application; fee.**
- 5.38.030 Insurance and Indemnification.**
- 5.38.040 Grant or denial; hearing.**
- 5.38.050 Location.**
- 5.38.060 Use for advertising prohibited.**
- 5.38.070 Maintenance.**
- 5.38.080 Identification.**
- 5.38.090 Time limit for compliance.**
- 5.38.100 Violation.**
- 5.38.110 Abandonment.**
- 5.38.120 Severability.**

5.38.010 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

Printed matter vending machine (referred to herein as "machine") – Any coin- or token-operated box, container, stand, rack, storage unit or other dispenser or device installed, placed, used, operated or maintained for the display and sale or distribution of newspapers, periodicals or other printed matter for public use. (ATM 5-9-2001 Art. 17)

5.38.020 Permit required.

No person, firm, corporation, association, partnership, trust or other type of entity shall place, install, use or maintain any printed matter vending machine on any public way, sidewalk, or other property owned or controlled by the Town without obtaining a written permit therefor from the Board of Selectmen. (ATM 5-9-2001 Art. 17)

5.38.021 Application; fee.

The application for the permit shall fully and specifically describe the printed matter vending machine by setting forth its size by height, depth and width or any other relevant dimensions if varying in height, depth and width, the name and address of the applicant, the exact date or dates said machine will be in place or in operation, the exact place where the machine will be located; the manner in which said machine shall be affixed or held in place and the description of any object to which said machine shall be affixed. Further reasonable information which may affect the public safety, health or order in the community may be requested from the applicant. An annual application fee, the amount of which will be determined upon passage of this chapter and annually thereafter by the Board of Selectmen, which fee will be reasonably related to the costs of processing said application, shall be paid for each machine licensed. The form of application shall be approved by town counsel. (ATM 5-9-2001 Art. 17)

5.38.030 Insurance and Indemnification.

The applicant shall agree to indemnify and save harmless the Town of Braintree, its officials, agents, employees, boards, commissions, and committees, from any loss or damage and from all suits, actions and claims of any and every nature for or on account of any injuries or damage received or sustained by any person or company or other entity arising from the installation, use or maintenance of such machines. Prior to the issuance of any permit hereunder, a certificate of insurance for the purpose of providing such indemnification shall be filed with the Board of Selectmen in a form and amount approved by the Board of Selectmen. (ATM 5-9-2001 Art. 17)

5.38.040 Grant or denial; hearing.

5.38.041 Within twenty days of receipt of a completed application, including application fee, the Board of Selectmen shall grant a permit or shall order that a hearing be held within an additional ten days, giving at least five days' written notice to the applicant.

538.042 Within ten days next following the close of the hearing, the Board of Selectmen shall grant such permit or shall deny such application if it does not comply with the provisions of this bylaw, or upon a finding that issuance of the permit would create a nuisance or would endanger the public health, safety, or order by:

(1) Unreasonably increasing pedestrian traffic in the area in which the machine is to be located; or

(2) Endangering the public safety by reason of the machine's projection onto, into, or over any part of the roadway of any public street; by reason of its being affixed to a site or location used for public utility purposes, public transportation purposes or governmental use; by reason of its being located in such manner as to unreasonably interfere with or impede the flow of pedestrian or vehicular traffic, sidewalk or street cleaning and/or snow removal, or the ingress or egress from any residence, place of business or any legally parked or stopped vehicle; or by reason of harm and defacement caused by its being affixed to poles, posts, traffic signs or signals, hydrants, mailboxes or other objects at or near such location.

5.38.043 Notice of the denial of an application for a permit shall be in writing and accompanied by a statement of the reasons therefor. The Board of Selectmen may impose conditions upon the permit which relate to compliance with the permit, applicable laws or bylaws, or to public safety, health or order, or to guard against the creation of a nuisance, or to ensure adequate safety and security for the public. No applicant having been denied a permit shall submit the same or similar application within one year of the denial without including in the new application facts showing that the circumstances upon which the original denial was based have substantially changed. (ATM 5-9-2001 Art. 17)

5.38.050 Location.

No machine shall be chained, bolted or otherwise attached to property owned or maintained by the Town of Braintree without the permission of the Board of Selectmen or other town board, commission, committee, or official having charge of such Town property. No machine shall be located within three feet of any crosswalk; within ten feet of any fire hydrant; within five feet of any fire or police call box or other emergency facility; within five feet of any driveway, public or private; within three feet ahead or fifteen feet to the rear of any designated bus stop, taxi stand or place marked for handicapped parking; within three feet of any bus bench or shelter, at any location whereby the clear space for the passage of pedestrians is reduced to less than four feet; or within three feet of any display window of any building abutting the sidewalk or other public place in such a manner as to impede or interfere with the reasonable use of such window for display purposes. (ATM 5-9-2001 Art. 17)

5.38.060 Use for advertising prohibited.

No machine shall be used for advertising signs or publicity purposes, other than that which identifies the printed matter offered therein. (ATM 5-9-2001 Art. 17)

5.38.070 Maintenance.

Each machine shall be maintained in a clean and neat condition and in good repair at all times. No reflecting paint, fluorescent or reflective materials may be used on any machine. (ATM 5-9-2001 Art. 17)

5.38.080 Identification.

The person who places or maintains such machine shall have his/her name or his/her Massachusetts agent's name, address and telephone number affixed thereto in a place where such information may be easily seen. (ATM 5-9-2001 Art. 17)

5.38.090 Time limit for compliance.

All persons who have placed or intend to place machines in the Town of Braintree shall have thirty days from the effective date of this chapter to comply with its provisions. The Board of Selectmen may grant an extension of this time limit in its discretion for good cause. (ATM 5-9-2001 Art. 17)

5.38.100 Violation.

Violation of the terms and conditions of this chapter or of any permit granted hereunder shall be punishable by a fine of one hundred dollars, and said violation shall be cause for cancellation, suspension, revocation, modification, or nonrenewal of the permit, after hearing, upon five days' written notice sent by registered or certified mail to the name and address set forth in the annual application. (ATM 5-9-2001 Art. 17)

5.38.110 Abandonment.

Any machine that is not used for the distribution of printed material for a period of sixty calendar days or more shall be deemed abandoned and the applicant shall remove it within 48 hours of being notified by the Board of Selectmen to do so. (ATM 5-9-2001 Art. 17)

5.38.120 Severability.

If any section, clause, or provision of this chapter shall be found by a court of competent jurisdiction to be invalid, the remainder of this chapter shall continue in full force and effect, or take any other action relative thereto. (ATM 5-9-2001 Art. 17)

Chapter 5.40

TAXICABS

Sections:

- 5.40.010 Licensing.**
- 5.40.020 Expiration of License—Fee.**
- 5.40.030 Unlicensed Hackneys Prohibited.**

5.40.010 Licensing.

The Board of Selectmen may license hackney carriage companies or companies which offer motor vehicles for the conveyance for hire in the Town, and it may revoke such licenses at its discretion, and a record of all licenses so granted or revoked shall be kept by the Selectmen. Taxi vehicles must be housed in Braintree, and pay excise tax in Braintree. The company must have an office in Braintree and have a telephone line in Braintree. (ATM 5-10-2005 Art 39; STM 10-5-2004 Art. 30; prior code § 122-1)

5.40.020 Expiration of License — Fee.

Licenses issued under this bylaw shall expire on the last day in February next after the date thereof and shall not be transferred without the consent of the Board of Selectmen endorsed thereon. For each license the sum of \$200 shall be paid for the use of the Town. A license so granted shall become void if the applicant neglects or refuses to take out and pay for his license within ten days after notice that it has been granted. (STM 10-5-2004 Art. 30; prior code § 122-3)

5.40.030 Unlicensed Hackneys Prohibited.

No person shall set up, use or drive in the Town any unlicensed hackney, carriage or motor vehicle for the conveyance of passengers for hire in the Town under a penalty of \$100 for the first offense, \$200 for the second offense, \$300 for third and/or subsequent offense. (STM 10-5-2004 Art. 30; prior code § 122-2)

Chapter 5.44

YARD SALES

Sections:

- 5.44.010 License required.**
- 5.44.020 Rules and regulations.**
- 5.44.030 Fee.**
- 5.44.040 Enforcement.**

5.44.010 License required.

Yard sales, garage sales and/or other similar sales are permitted in a residentially zoned district only if duly licensed on application to the board of selectmen. (Prior code § 104-1)

5.44.020 Rules and regulations.

The following regulations will control such permits:

A. No more than two sales may be held within a calendar year unless the sale is solely for the benefit of a religious, educational, charitable or other nonprofit organization.

B. No permit may be issued for more than two consecutive days.

C. Permits may be granted only to the occupant of the premises where the sale is to be located, and the sale is limited to goods owned by the occupant of the premises, except where the sale is solely for the benefit of groups or organizations exempted in subsection A of this section, in which case a permit may be issued to such group or organization in care of the property owner where the sale is to take place. (Prior code § 104-2)

5.44.030 Fee.

The fee for such sales will be set by the board of selectmen. (Prior code § 104-3)

5.44.040 Enforcement

This bylaw will be enforced by the Braintree police department through the board of selectmen. (Prior code § 104-4)

Chapter 5.50
TRASH HAULERS

Sections:

- 5.50.010 Purpose.**
- 5.50.020 Permit requirements.**
- 5.50.030 Permit fee.**
- 5.50.040 Enforcement.**

5.50.010 Purpose.

The purpose of this bylaw is to further the town of Braintree's recycling access plan and to achieve fifty-one percent or greater recycling access for multifamily residences and residential condominiums, townhouses and apartment associations by requiring that all trash haulers licenses by the Braintree board of health include a recycling component as part of their services. (ATM 5-17-99 Art. 17 (part))

5.50.020 Permit requirements.

A. Pursuant to Massachusetts General Laws Chapter 111, Section 31B, all persons, businesses or contractors who collect trash in the town of Braintree must first obtain a permit from the board of health.

B. Each applicant for a trash hauler permit shall submit to the board of health a list of customers to be serviced, time of day and frequency of collection, an estimate of tons of solid waste and recyclables to be collected, and a process for resolving residential complaints or permit violations. Any application which fails to include this information, or any additional information requested by the board of health, shall be deemed incomplete and shall be denied.

C. Trash hauling permits shall be valid for one year, renewable annually on the first day of January, subject to review and approval by the board of health. No permit shall be transferable except with the approval of the board of health.

D. All permitted trash haulers shall provide trash and recycling services equal to the level of Braintree municipal service, and in compliance with the Commonwealth of Massachusetts Department of Environmental Protection regulations and the Commonwealth of Massachusetts Executive Office of Environmental Affairs Solid Waste Management Plan.

E. All permitted trash haulers shall charge a flat fee which shall reflect the fee for the collection and disposal of both residential trash and recyclables.

F. All permitted trash haulers shall submit monthly reports listing the tonnage of refuse and recyclables collected and shall provide the board of health with copies of weight slips or vendor receipts to verify tonnage of refuse and recyclables collected. The report shall be submitted to the board of health with a copy to the town of Braintree recycling committee on a monthly basis for each month that the hauler holds a valid permit. Failure to provide this information may result in suspension, modification or revocation of the permit. (ATM 5-17-99 Art. 17 (part))

5.50.030 Permit fee.

An application fee in an amount to be determined by the board of health shall be submitted with each application. (ATM 5-17-99 Art. 17 (part))

5.50.040 Enforcement.

Any member of the board of health or its agents or any other person designated by the board of health may enforce the provisions of this bylaw. Any violation of this bylaw or the Department of Environmental Protection regulations or the Commonwealth of Massachusetts Executive Office of Environmental Affairs Solid Waste Management Plan by the permitted hauler shall be grounds for suspension, modification or revocation of the permit (ATM 5-17-99 Art. 17 (part))